

MATHEW SHIELDS #000756
E.S.P. AD-869 UNIT
S. T. U.

8 Production Way, PO Box 905
Avenel, NJ 07001
Plaintiff Pro Se

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

COMPLAINT

MATHEW SHIELDS

V

Sgt. A. COSTERA
Lt. ESTERDA
Sgt. - C. MATOS
Sgt. - I. MATOS
MAJOR-TOLEY

MRS. J. O'BRIEN
MRS. S. ADAMS

Civil Action No. _____

42 U.S.C. § 1983

* SUEING IN THEIR OFFICIAL CAPACITY *

1) Jurisdiction is asserted pursuant to 42 U.S.C. § 1983

2) Previously Dismissed Federal Civil Actions or Appeals

Parties to previous lawsuit: _____

Civil Rights Complaint - 42 U.S.C. § 1983

Plaintiff(s):

Defendant(s):

b) Court and docket number:

Ground for dismissal: () frivolous () malicious

() failure to state a claim upon which relief may be granted

3) Place of Present confinement:

Plaintiff is a Civilly-committed Detainee presently confined at the Special Treatment Unit, Avenel New Jersey, Pursuant to the New Jersey Sexually Violent Predator Act.

4) Parties:

a)

Address:

MATHEW SHIELDS #000756
EAST JERSEY STATE PRISON - AD-SEG-UNIT
S.T.U.
& PRODUCTION WAY
CN-905
AVENEL, N.J. 07001

Resident #:

~~#~~ 000756

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b) First Defendant: *Sgt. A. COSTIERA*

Official position: *Sgt. 1ST SHIFT*

Place of employment: *E.J.S.P.-AD-SEC-UNIT-S.T.U.*

1.) Failing to stop HIS OFFICERS from repeatedly ASSAULTING ME, INSTEAD, ORDERED HIS SUBORDINATES TO CONTINUE TO ASSAULT ME, WHILE IN HANDCUFFS, STANDING AND WATCHING ME GET KICKED, PUNCHED AND STEPPED ON BY HIS OFFICERS, AND DID NOTHING TO STOP IT.

c) Second Defendant: *Lt. ESTRADA*

Official position: *1ST SHIFT Lt. - SUPERVISOR*

Place of employment: *E.J.S.P.-AD-SEC-UNIT-S.T.U.*

FOR failing to OVERSEE AND CORRECT THE ABUSIVE POWER that HIS Sgt. IS showing, AND OVER-LOOKING the pattern of HIS subordinate (Sgt.) CAUSING RESIDENTS INJURIES, AND OVERLOOKING the GRIEVANCES that's also IS submitted, DUE to HIS Sgt. constant, DESTRUCTIVE BEHAVIOR OF this Sgt.

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d) Third defendant - 8% MR. C. MATOS

Official position: CORRECTION OFFICER - 1ST shift

Place of employment: E.T.S.P. - AD-SEC-UNIT - S.J.U.

FOR ASSAULTING MY PHYSICAL BEING,
WHILE IN HANDCUFFS, TOOK ME OUT OF CELL,
AND PUSHED ME IN CORNER, THEN AGAIN PUNCHED
ME IN MY FACE, WHILE LISTENING TO SGT.
KNOWING THAT ASSAULTING ME WAS WRONG, BUT
YET STILL COMMENCED TO PUNCH ME.

e) Forth defendant - 8% - I, MATOS

Official position: CORRECTION OFFICER - 1ST shift

Place of employment: E.T.S.P. - AD-SEC-UNIT - S.J.U.

FOR HANDCUFFING ME, THROWING ME
TO THE FLOOR YELLING OUT STOP RESISTING,
"KNOWING I WASN'T" AND STARTED PUNCHING
ME, WHILE HAVING HIS KNEE IN MY BACK.

FOLLOWING THE ORDERS OF HIS
SGT. "KNOWINGLY, KNOWS THAT ASSAULTING
ME, WHILE IN CUFFS WAS/WAS WRONG.

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f) Fifth defendant - *MAJOR FOLEY*

Official position: *MAJOR (D.D.C.)*

Place of employment: *E.I.S.P. - AD. SEC. UNIT - S.D.N.*

- 1.) *FAILED TO PROPERLY SUPERVISE STAFF TO ADHERE / TO ENSURE THAT THEY ADHERE POLICIES.*
- 2.) *FAILED TO SET UP POLICIES THAT HELP GUIDE SUBORDINATES CONDUCTS.*
- 3.) *BEHAVIOR THAT IS SO RECKLESS OR GROSSLY NEGLIGENT THAT FUTURE MISCONDUCT IS ALMOST INEVITABLE.*

g) Sixth defendant - *MRS. J. O'BRIEN*

Official position: *PROGRAM COORDINATOR - D.H.S./D.D.C.*

Place of employment: *E.I.S.P. - AD. SEC. UNIT - S.D.N.*

FOR OVERLOOKING AND DIS-REGARDING

~~Official position:~~

THE NUMEROUS COMPLAINTS OF CORRECTIONAL OFFICERS, ROUTING ABUSES THAT'S GOING ON

~~Place of employment:~~

IN THIS FACILITY. AND TAKING D.D.C. REPORTS AND NOT INVESTIGATING ANY FURTHER. "CAUSING THESE ABUSES TO HAPPEN ON A ROUTINE BASIS."

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h) Seventh defendant name *MRS. S. ADAMS*

Official position: *UNIT DIRECTOR - D.O.H.*

Place of employment: *E.J. S. R. NO-SEG-UNIT-S.M.*

FOR LOOKING BLINDLY AT THE PHYSICAL ABUSES THAT D.O.C. IS CONDUCTING IN THIS FACILITY. AND NOT INVESTIGATING OR QUESTIONING, WHY ARE RESIDENTS BEING PHYSICALLY ASSAULTED, OR EVEN MAKE AN EFFORT TO COME SEE AND TALK TO US." ALLOWING D.O.C. TO CONTINUE TO USE OR ASSAULT US, UNTIL ANOTHER RESIDENT (LIKE DARRY) SMITH, DIES BY CORRECTION OFFICERS HANDS.

5. Previous Relief Sought

I [have] have not] previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of the Statement of Claims on page

BUT AS ALWAYS, D.O.H. - D.H.S. SAYS THAT THEY DON'T GET INVOLVED WITH D.O.C.'S CONDUCT AND ISSUES.

"NOTHING IS RESOLVED,"

6) Statement of Claims

SEE
APPENDIX

7) Relief Sought

[State briefly exactly what you want the court to do for you.
Make no legal argument. Cite no cases or statutes.]

1.) ASKING THAT THE COURT ENTER JUDGEMENT
DECLARING THE ACTS OF DEFENDANTS Sgt. COSTERA AND
ASSOCIATES TO VIOLATE THE RIGHTS OF PLAINTIFF UNDER
THE EIGHTH AND FOURTEENTH AMENDMENTS OF THE U.S.
CONSTITUTION.

2.) THAT THE COURT AWARD GENERAL DAMAGES TO PLAINTIFF

12/7/19

~~Statement of [REDACTED]~~

ON 12/6/19, AT 8⁵⁵ AM, THE 1ST SHIFT SGT. (SGT. A. COSTERA) CAME TO MY CELL (316) WITH 3 CORRECTION OFFICERS (SGT-C. MATOS / E. MATOS / SGT-FREEMAN)

SGT. A. COSTERA, STARTED -- -- THREATENING ME, AND TELLING ME THAT HE WILL FUCK ME UP.

I RESPONDED, BY TELLING HIM, (SGT. A. COSTERA) THAT I'M NOT HIS KID.

SGT. A. COSTERA, THEN ORDERED HIS OFFICERS TO GO IN MY CELL AND HANDCUFF ME. AFTER I WAS HANDCUFFED, SGT-C. MATOS, STARTED PUNCHING AND KICKING ME, WHILE I WAS IN HANDCUFFS.

SGT. A. COSTERA, SAID AGAIN TO HIS OFFICERS. FUCK HIM UP.

AFTER ABOUT 3 MINUTES, SGT. A. COSTERA, TOLD HIS OFFICERS, (OFFICER-C. MATOS) / E. MATOS / CO. FREEMAN TO BRING ME OUT OF MY CELL. AS SGT-FREEMAN WAS BRINGING ME OUT OF CELL

WHILE IN HANDCUFFS (TIGHTLY)
 SHOWED ME IN THE CORNER
 IN BETWEEN CELL 316 AND 317,
 AND THEN WHILE SGT. A. COSTERA
 WAS OBSERVING, S/O - C. MATOS
 PUNCHED ME IN THE FACE.
 S/O - S. BYERS PULLED HIM
 (S/O - MATOS) AWAY FROM ME. I
 TELLING HIM THAT ITS NOT
 WORTH LOSING HIS JOB OVER.
 "TAKING ORDERS FROM SGT. A.
 COSTERA, TOWARDS ASSAULT ME."
 I WAS THEN, TAKEN DOWN -
 STAIRS, "WHILE IN HANDCUFFS"
 BEING TAKEN TO D-UNIT, (ANNEX
 FACILITY).

* NOT ALLOWING ANY
 D.O.H. - D.H.S. STAFF TO COME TO SEE
 MY WELL BEING, MY PHYSICAL
 WELL BEING.*

AS THE CORRECTION OFFICERS,
 WAS TAKING ME TO D-UNIT, SGT. A.
 COSTERA STARTED THREATENING ME
 AGAIN.

I WAS PLACED IN CELL 18, IN
 D-UNIT. MY BODY IS SORE, RIB CAGE,
 WRISTS, FROM CUFFS BEING TOO
 TIGHT.

I HAVEN'T SEEN ANY ONE FROM

D.O.H./D.H.S. TREATMENT STAFF, NOR HAVE ANY NURSES BEEN BACK HERE (D-UNIT) TO CHECK ON MY WELL BEING (PHYSICALLY)

ALSO, SGT-APONTE HAD ME CHECKED BY SOME SCRAMING CHAIR. AND UNEXPECTEDLY SWATCHED ME OFF OF CHAIR AND AGAIN STARTED PHYSICALLY ASSAULTING ME AGAIN WITH OTHER CORRECTION OFFICERS. CAUSING EYE INJURIES AND SORE LEGS, FROM BEING KNEE'D IN THEM BY SGT-APONTE, C.D.C. MATOS, CO. I. MATOS, WITH SGT. A. COSTEIRA JUST STANDING THERE WATCHING HIS SUBORDINATES CAUSING ME PHYSICAL HARM. AND I AM THROWN IN CELL 18, AFTER I HAVE BEEN ASSAULTED BY THESE CORRECTION OFFICERS AGAIN.

I HAVEN'T SEEN ANY DEPARTMENT OF HUMAN SERVICES OR DEPARTMENT OF HEALTH SINCE MY BEING PHYSICALLY ASSAULTED BY THESE CORRECTIONAL OFFICERS.

THEY (D.O.H./D.H.S.) MERRI MAH, SHANTAY ADAMS, J. OFFICIO, M. MADRU AND THE TREATMENT TEAM. ALWAYS TURNS THEIR BACKS ON THE RESIDENTS WHEN WE/I ARE BEING SERIOUSLY

PHYSICALLY HARMED BY D.D.C.

* THE SUPREME COURT HELD PRISON STAFF SHOW DELIBERATE INDIFFERENCE WHEN THEY FAIL TO TAKE REASONABLE SAFEGUARDS DESPITE THEIR ACTUAL KNOWLEDGE OF AN EXCESSIVE OR SUBSTANTIAL RISK TO A PERSON'S SAFETY.

COURTS HAVE MAINLY APPLIED THE DELIBERATE INDIFFERENCE STANDARD TO CASES WHERE A PRISON OFFICIAL DOES NOT PREVENT A PRISONER FROM BEING ASSAULTED.

DELIBERATE INDIFFERENCE LAWSUITS ARE ALSO KNOWN AS "FAILURE TO PROTECT" CLAIMS.

COURTS RULED, THAT "EXCESSIVE" OR "UNNECESSARY FORCE" BY CORRECTION OFFICERS OR PRISON STAFF VIOLATES THE CONSTITUTION, AND MAY BE REMEDIED BY DAMAGES OR INJUNCTIVE RELIEF.

COURTS ALSO RULED, THAT OFTEN, THE LENGTH OF TIME PRISONERS/RESIDENTS ARE SUBJECTED TO AN UNPLEASANT SITUATION PLAYS A PART IN DETERMINING WHETHER IT IS CRUEL AND UNUSUAL. BUT ESPECIALLY DEGRADING OR "ABUSIVE SITUATIONS" ARE UNCONSTITUTIONAL, EVEN IF

IMPOSED FOR SHORT PERIODS OF
 TIME, *

I'VE BEEN IN CELL 18-D-UNIT,
 WITH A MIGRAINE HEADACHE FROM
 THE SWELLING OF MY LEFT EYE,
 CAUSED BY THE CORRECTION OFFICERS
 ASSAULTING ME, WHILE IN HANDCUFFS.

AND NO ONE IS ALLOWED TO
 SEE OR TALK TO ME AS PER
 Lt. ESTRADA AND Sgt. A. COSTERA.

"TRYING TO COVER UP THE ABUSE,
 PHYSICAL ABUSE THAT THEY CAUSED.

**THE CONSTITUTION RIGHT TO BE
 FREE FROM BAD FAITH OR MALICIOUS
 AND SADISTIC ACTIONS IS - - -
 SUFFICIENT TO SUPPORT A DANGEROUS
 JUDGEMENT AGAINST STATE LAW
 ENFORCEMENT OFFICIALS UNDER
 42 U.S.C. § 1983. **

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Plaintiff.
(IN COURT'S DISCRETION)

4.) That the court grant such other further relief to plaintiff as it seems appropriate.

5.) And grant me with an injunctive relief so I can't endure any further retaliation,

8) Plaintiff requests a [jury] non-jury trial]? [select only one]

I declare under penalty of perjury that the forgoing is true and correct to my knowledge, And would not knowingly or willfully give false information to the court.

Signed this 7th day of DECEMBER, 2019

Matthew Shields #020756
Signature of Plaintiff.